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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,583	06/16/2005	Eran Sitnik	9432-181/NP	2553
27572 7590 06/26/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER TRAN, PHUC H	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,583

Applicant(s)

SITNIK ET AL.

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 4, 5, 16, 17, 25, 26, 37 and 38 are objected to because of the following informalities: “packetizer” was not disclosed in specification. Appropriate correction is required.
2. Claims 6 and 27 are objected to because of the following informalities: “the retrieval mechanism is adapted to relieve the additional-media content from local server memory” was not disclosed in specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 4-6, 16, 17, 25-27, 37 and 38 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding to claims 4, 5, 16, 17, 25, 26, 37, and 38, “the data packetizer” was not described in the specification in such a way as to enable one skilled in the art.

Regarding to claims 6 and 27, “the retrieval mechanism is adapted to relieve the additional-media content from local server memory” was not described in the specification in such a way to enable on skilled in the art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 7, 11-14, 18-24, 28, 32-36, 49-42, 45 and 46 rejected under 35 U.S.C. 102(e) as being anticipated by Currans et al (Pub. No. 2002/0171691 A1).

* NOTE: the term “ adapted to” recited in claims are not positively recited claim limitations. Therefor the limitation following the term is not considered the claimed limitation. It is suggested applicant to remove the term. See MPEP 2111.04

Regarding claims 1, 11, 22, 32, 36, 42, 45 and 46, Currans teaches a portal system employing a handheld media delivery device comprising: an input (e.g. the handheld 100 in fig. 1) receive a request for additional media content (page 3 paragraph 27) from the handheld media delivery device (e.g. block 200 in Fig. 2), wherein the handheld media delivery device is receiving broadcast media content having media content information (e.g. block 402 in Fig. 4), formulating the request based on the media content information (e.g. the user request addition

information see page 3, paragraph 27), locally store and queue requests made offline until a connection to the portal is available (e.g. the user profile as user-defined criteria or other data are stored in block 210 in Fig. 2), communicate the request for additional media content to the portal system (e.g. link 202 in Fig. 2 communicates with block 212), receive the additional media content from the portal system, and deliver the additional media content to a consumer (paragraph 30);

a retrieval mechanism retrieve additional media content based on the request (e.g. the radio XCVR in Fig. 2); and

an output communicate the additional media content to handheld media delivery device, thereby supplementing the media content (e.g. display 214 in Fig. 2).

Regarding claims 2, 18, 23 and 39, Currans teaches a request parser is parsing the request (e.g. the information about advertising).

Regarding claims 3, 12, 24 and 33, Currans teaches the output is acknowledge the request by sending an acknowledgement to the handheld media delivery device (see paragraph 35).

Regarding claims 7 and 28, Currans teaches the retrieval mechanism is retrieving the additional media content from a remote location via a communication system (e.g. receive information from block 212 in Fig. 2).

Regarding claims 13, 14, 19, 20, 34, 35, 40 and 41, Currans further teaches a request status manager is updated the status of a request based upon an acknowledgement and the user interface is able to communicate the status of the request to the consumer (see paragraph 34).

Regarding claim 21, Currans teaches determining whether a connection to the system is available, queue requests locally, and store requests until a connection is available (see paragraph 23).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-10, 15, 29-31, 43, 44 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Currans (Pub. No. 2002/0171691 A1) in view of Freeman et al. (Pub. No. 2001/0013123).

Regarding claims 8 and 29, Currans teaches the system discussed above regarding claims 1 and 27, however, may not specifically disclose a user profile manager for updating user profiles. However, Freeman also teaches a media delivery device and further teaches a user profile manager (e.g., see user information database 136 in FIG. 1a) is adapted to update a user profile based on a request (e.g., see paragraphs 0009-0010). The teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be motivated to apply the teachings of Freeman to the system of Currans in order to provide improved compatibility between advertisements and user preferences for media viewing.

Regarding claims 9, 15 and 30, Freeman teaches a back channel (e.g., see paragraph 0014 regarding backchannel communication link) is adapted to communicate the user profile to a media content provider (e.g., transmission center 102). As discussed above, the teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be motivated to apply the teachings of Freeman to the system of Currans in order to provide improved compatibility between advertisements and user preferences for media viewing.

Regarding claims 10 and 31, Freeman teaches an input (e.g., 148) is adapted to receive a request based on media content information targeted to the user profile. As discussed above, the teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be motivated to apply the teachings of Freeman to the system of Currans in order to provide improved compatibility between advertisements and user preferences for media viewing.

Regarding claims 43, 44 and 47, Freeman further teaches information is an electronic coupon (e.g., see paragraph 0018, wherein advertisements via Internet and PDA related media implicitly encompass electronic coupons), extra advertising information (e.g., see paragraph 0016 regarding customized advertisements), or is stored in a portable device for review by the consumer after advertising information has been disseminated (e.g., see paragraph 0018 regarding storage in a PDA). As discussed above, the teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be

motivated to apply the teachings of Freeman to the system of Currans in order to provide improved compatibility between advertisements and user preferences for media viewing.

Response to Amendment

8. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuc Tran
Assistant Examiner
Art Unit 2616

P.t
6/23/07



WELLINGTON CHIN
PROVISORY PATENT EXAMINER